



PATENT APPLICATION

#5  
7/5/02  
\$30

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Junko KUDO, et al.

Appln. No. 10/076,448

Group Art Unit: Not assigned

Confirmation No.: 9880

Examiner: Not assigned

Filed: February 19, 2002

For: OPTICALLY ACTIVE 4-(TERT-BUTOXYCARBONYL) PIPERAZINE COMPOUND, AND  
METHOD FOR PRODUCING THE SAME

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. §§ 1.97 and 1.98**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B (modified) (substitute for PTO Form 1449) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

One copy of each of the listed documents is submitted herewith.

1. United Kingdom Patent No. 2 225 321 A, published May 30, 1990.
2. C.J. Opalka et al., "A Novel Synthesis of the Enantiomers of an Antihistamine Drug by Piperazine Formation from a Primary Amine", Synthesis, (1995), pp. 766-768.
3. R.G. Clemo et al., "The Optical Rotatory Powers of Some 4-Substituted Benzhydrylamines", J. Chem. Soc., (1939), pp. 1958-1960.
4. Japanese Patent Application No. 7-2816, published January 6, 1995 with English Abstract (which is a concise statement of relevance of the Japanese published application)..
5. U.S. Patent No. 5,478,941 issued December 26, 1995 (corresponds to JPA 7-2816).

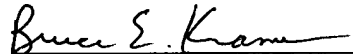
Junko KUDO et al.  
10/076,448  
INFORMATION DISCLOSURE STATEMENT

7. U.S. Patent No. 5,792,770 issued August 11, 1998 (corresponds to JPA 7-2816).

The present Information Disclosure Statement is being filed: (1) No later than three months from the application's filing date for an application other than a continued prosecution application (CPA) under §1.53(d); (2) Before the mailing date of the first Office Action on the merits (whichever is later); or (3) Before the mailing date of the first Office Action after filing a request for continued examination (RCE) under §1.114, and therefore, no Statement under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

Respectfully submitted,



Bruce E. Kramer  
Registration No. 33,725  
J. Frank Osha  
Registration No. 24,625

SUGHRUE MION, PLLC  
2100 Pennsylvania Avenue, N.W.  
Washington, D.C. 20037-3213  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

Date: May 14, 2002